

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:92CR97-MU**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
vs.)
)
HERBERT COUNCIL,)
)
 Defendant.)
_____)

ORDER

THIS MATTER comes before the Court on Defendant's Motion for the Court to Enter an Order for Immediate Relief, filed June 11, 2007.

In his Motion, Defendant requests that the Court rule on a motion he states has been pending since July 13, 1993. A review of the Court's docket sheet reveals that there is no record of any motion being filed. In support of his present motion, Defendant has attached two pages from his sentencing transcript. In this limited portion of his transcript, Defendant argues that the Court should not sentence him to the mandatory minimum because he is innocent. He concludes his sentencing statement by stating that he "prays the Court to have mercy on me for his opinion of the 1987 Sentencing Reform Act of Conspiracy is unfair and unjust." This Court concludes that Defendant has no such motion pending. The portion of the sentencing transcript Defendant provides the Court merely establishes that he was asking the Court to consider his continued proclamation of innocence (despite a jury verdict to the contrary) when sentencing him. Such a request is not a motion and moreover, this Court responded to Defendant's statement when it

sentenced him.

IT IS, THEREFORE, ORDERED that the Defendant's Motion for the Court to Enter an Order for Immediate Relief is **DENIED**.

Signed: July 24, 2007

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

